

REMARKS

Claims 1-12 are pending in this application with new claims 13 – 19 added for consideration. Support for new claims 13 – 19 may be found throughout the specification and, more specifically, on page 15, lines 6 - 15. Thus, it is respectfully submit that no new matter has been added by these amendments.

Rejection of Claims 1-4, 6-7, 9-10 and 12 under 35 U.S.C. 102 (b)

Claims 1-4, 6, 7, 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (U.S. Patent No. 5,819,688).

The present claimed invention provides a floor mat and a small animal rearing cage including the floor mat for housing and rearing small animals. The floor mat is a sheet having a temperature holding property to a degree that it can maintain the body temperature of a small animal, flexibility to a degree that it can wrap the body of a small animal, and a size that covers at least the entire abdomen of a small animal. According to the present invention, small animals can wrap themselves in the mat even without having any nest box or a floor mat for breeding in order to keep their body temperature at a necessary level and to avoid the wind from air conditioning machines.

Walker describes a pet animal odor absorbing mat including a mat or pad formed of a fibrous material, such as a cellulosic material, and which is integrally incorporated with a zeolite mineral during the manufacture of the mat.

Walker further discloses a mat provided with a backing since the mat itself does not have a high amount of structural integrity due to the fact that the fibers and the mineral are only held together with a binder, and in some cases, it may be desirable to provide this backing. The backing will provide some structural integrity and will also allow hinging. For this purpose, the backing may be provided with notches, as best shown in Fig. 3. In place of the notches, score lines or the like could also be used (column 5, line 63 – column 6, line 5).

Unlike the present claimed invention, Walker comprises notches, score lines or the like on the backing to allow for folding of the mat in order to conserve packaging storage and reduce the potential for damage if produced as a single flat sheet (column 6, lines 2-10). The Office Action argues that the pliability of the mat implies flexibility (Office Action, page 4). The Applicant respectfully disagrees. Walker describes a **flat** mat (column 4, lines 37-38) with pliability, but does NOT describe a mat with flexibility to a degree that it can wrap the body of the small animals as in the present claimed invention. Flexibility as claimed in the present invention means that the floor mat is not broken at a point where the mat is folded but keeps a seamless state of the mat and also has a softness that the folded point is not automatically folded out by the way of repulsion of the floor mat (Application, page 10, lines 13 – page 11, lines 13). This is fundamentally different from the pliable flat mat of Walker. As stated above, Walker describes a mat that is flat and comprised of a fibrous section without much structural integrity that is held together via a backing. The fibrous material of Walker is scored thus enabling pliability. However, pliability in Walker is fundamentally different from and not equivalent to “flexibility” that enables the mat to “wrap the body of the small animals”. The objective of Walker in providing pliability (for packaging and storing) is thus wholly unlike the objective of the present claimed invention in providing flexibility (for wrapping a small animal providing warmth and protection). If one would attempt to wrap the Walker mat as asserted in the Rejection, the Walker mat, due to the scoring, would cause a seam to appear in the mat. This is in direct contrast to the present claimed “flexibility” which maintains the “seamless state of the mat” when folded around the animal. The definition of “flexibility” set forth in the present specification is fundamentally different from Walker’s use of the term pliable and is not equivalent. Thus, Walker neither discloses nor suggests “flexibility to a degree that can wrap the body of the small animals” as recited in claims 1 and 6 of the present invention.

Additionally, Walker describes that the mat may be essentially any size (column 4, line 29-34). It is therefore possible that the size of the mat described by Walker may be less than the entire abdomen of small animals. Walker neither discloses nor suggests the relationship of size of the mat to accommodate the abdomen of small animals as in the present claimed invention. Thus, Walker shows no recognition of the problems addressed by the present invention and

neither discloses nor suggests “a size that covers at least the entire abdomen of said small animals” as recited in claims 1 and 6 of the present invention.

Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. As claims 2-4, 7, 9-10 and 12 are dependent on independent claims 1 and 6 respectively, it is respectfully submitted that claims 2-4, 7, 9-10 and 12 are similarly not anticipated by Walker. Therefore, it is respectfully requested that the rejection of claims 1-4, 6-7, 9-10 and 12 under 35 USC 102(b) be withdrawn.

Rejection of Claims 5, 8 and 11 under 35 U.S.C. 103 (a)

Claims 5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 5,819,688). Applicants respectfully submit that Walker neither discloses or suggests the features of the present claimed invention.

Although Walker describes cellulose material formed into a shape of the sheet, Walker only describes a **flat** mat (column 4, lines 37-38) with pliability as discussed above with respect to claims 1 and 6. Walker is neither concerned with nor suggests the objectives of the present invention, namely providing a mat having a flexibility able to wrap the body of small animals. Thus, Walker neither discloses nor suggests a mat with flexibility to a degree that it can wrap the body of said small animals and remain seamless as in the present claimed invention. In view of the completely unrelated objective of Walker and the failure of Walker to recognize the problems addressed by the present claimed invention, it would not be obvious to one skilled in the art at the time of the invention to manufacture a flexible mat because the objective of Walker in providing pliability alone is wholly unlike the objective of the present claimed invention in providing flexibility. Thus, Walker neither discloses nor suggests “flexibility to a degree that can wrap the body of said small animals” as recited in claim 1 of the present invention.

Additionally, Walker describes that the mat may be essentially any size (column 4, line 29-34). However, Walker neither discloses nor suggests a relationship between the size of the

mat and the abdomen of small animals as in the present claimed invention. Walker neither recognizes nor is concerned with the objective of covering at least the entire abdomen of small animals as in the present claimed invention. Thus, it would not be obvious to produce a mat of Walker having a size that covers at least the entire abdomen of small animals as the objective of Walker in providing any size sheet is wholly unlike and unrelated to the objectives and reasoning of the present claimed invention. Thus, Walker neither discloses nor suggests "a size that covers at least the entire abdomen of said small animals" as recited in claim 1 of the present invention.

The Rejection asserts that "carboxyl-group introduced cellulose" as claimed in claim 5 is "a known material" chosen for "its suitability for the intended use" is a matter of obvious choice. Applicants respectfully disagree. The claimed mat provides for use of "carboxyl group introduced cellulose" that provides for excellent water absorption and deodorization properties. Walker fails to disclose or suggest using carboxyl group introduced cellulose for this purpose. Rather, Walker describes using a "zeolite" mineral to trap the odors and absorb moisture. Applicant respectfully submits that it would not be obvious to replace the zeolite mineral of Walker with the "carboxyl group introduced cellulose" as in the present claimed invention. Specifically, Walker provides the fibrous section of the mat being formed from 30% wood fiber by weight and 70% of the zeolite mineral (col. 6, line 39 – 41). If one were to replace the zeolite in Walker with "carboxyl group introduced cellulose" the Walker mat would not be able to operate as described or intended. Specifically, as stated on page 15, lines 19 – 27 of the present application too much carboxyl group introduced into cellulose would degrade the water absorption properties of the cellulose. Thus, substituting the carboxyl group introduced cellulose in amounts as required by Walker would degrade the properties of the material and thereby result in an inoperable invention. Thus, Applicant respectfully submits that the present claimed invention as claimed in claim 5 is not obvious in view of Walker.

Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. Claims 5, 8 and 11 are dependent on independent claims 1 and 6, respectively, and thus it is respectfully submitted that these claims are similarly patentable. In view of the above remarks, it is respectfully submitted that Walker fails to anticipate or make obvious the claimed features.

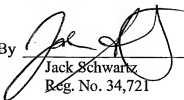
Consequently, it is respectfully requested that the rejection of claims 5, 8 and 11 under 35 USC 103(a) should be withdrawn.

New claims 13 – 19 are considered patentable for the reasons presented above with respect to Independent claims 1 and 6. Specifically, Walker fails to disclose or suggest a “floor mat” having “a flexibility to a degree that can wrap the body of the small animals” wherein the term “flexibility” means that the mat is not broken at a point where the mat is folded and remains seamless. The Walker mat is not equivalent to the present claimed mat. Additionally, Walker fails to disclose or suggest the use of “carboxyl-group introduced cellulose” and, as discussed above with respect to claim 5. This feature is included in new claims 14, 16 and 17 and it would not be obvious to modify Walker to include the present claimed element. Moreover, there is nothing in Walker that discloses or suggests “improved cellulose fabric” that contains “40 to 140 millimole carboxyl group per 100 grams of dry fabric” as recited in new claims 13, 15, 18 and 19. The concentration of carboxyl group claimed in the present invention is significantly less than the zeolite mineral composition of Walker. Thus, the present claimed invention is neither anticipated nor made obvious by Walker.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to
Deposit Account 50-2828.

Respectfully submitted,
Takamasa Iwaki.

By 
Jack Schwartz
Reg. No. 34,721

Jack Schwartz & Associates
1350 Broadway
Suite 1510
New York, New York 10018
Tel. No. (212) 971-0416
Fax No. (212) 971-0417
Dated: October 18, 2007